

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

STACY ARNOLD,

Plaintiff,

v.

CITY OF ST. JOSEPH, ET AL.,

Defendants.

)
)
)
)
)
)
)
)
)
)

Case No. 19-CV-06137-BP

DEFENDANT ST. JOSEPH PUBLIC LIBRARY'S MOTION TO DISMISS

COMES NOW Defendant St. Joseph Public Library, pursuant to Fed. R. Civ. P. 12(b)(1) and Fed. R. Civ. P. 12(b)(6), and respectfully requests the Court enter an order dismissing Plaintiff's claims alleged against it in her First Amended Complaint (ECF No. 19)¹. Defendant incorporates by reference the arguments and authorities set forth in its memorandum in support filed contemporaneously herewith.

WHEREFORE, Defendant respectfully requests that Plaintiff's claims against it be dismissed and that Defendant be granted costs, including reasonable attorneys' fees, incurred in defending against the claims asserted against it by Plaintiff in this action.

¹ In filing this motion, Defendant expressly does not waive any affirmative defenses available it in this action including those enumerated in Fed.R.Civ.P. 8, 9 & 12. To the extent necessary to preserve any such defenses, Defendant raises the same herein.

Respectfully submitted,

McANANY, VAN CLEAVE & PHILLIPS, P.A.
10 E. Cambridge Circle Drive, 300
Kansas City, Kansas 66103
Telephone: (913) 371-3838
Facsimile: (913) 371-4722
E-mail: ggoheen@mvplaw.com

By: /s/ Gregory P. Goheen
Gregory P. Goheen #58119

Attorneys for Defendant St. Joseph Public Library

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of December, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and sent a copy via U.S. mail, postage prepaid to the following:

Stacy Arnold
500 Westover Drive #11589
Sanford, NC 27330
Plaintiff, *pro se*

Mark Beam-Ward
Beam-Ward, Kruse, Wilson & Fletes, LLC
8645 College Boulevard, Suite 250
Overland Park, KS 66210
Attorneys for Defendant Roger Clary

Christopher L. Heigele
Steven F. Coronado
Baty Otto Coronado, PC
4600 Madison Avenue, Suite 210
Kansas City, MO 64112
Attorneys for Defendants City of St. Joseph and Rebecca Hailey

/s/ Gregory P. Goheen